



Three  
Spires  
TRUST

*'Life in all its fullness'*

# Whistleblowing Policy

Policy owner	Chief Executive Officer
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## Statement of intent

Three Spires Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the Trust. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's Data Protection Policy.



## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- This policy has been created with regard to the following guidance documents:
- ESFA (2020) 'Academies financial handbook 2020'
- GOV.UK (2012) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedure for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'
- DfE 'Keeping Children Safe in Education'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Staff Code of Conduct
- Managing Allegations of Abuse against Adults Policy (including low level concerns)
- Grievance Policy
- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Policy
- Data Protection Policy

## 2. Introduction

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.

The Chief Executive Officer is the first point of contact for whistleblowing queries. If the allegation is related to the CEO, the concern will be raised with the Chair of Trustees; where the allegation is about the Chair of Trustees, the concern will be raised with the Chair of Members.

Any member of the Trust community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. [Section 7](#) includes further details on how whistleblowing affects non-employees.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work, the grievance Policy, the low-level concerns policy, the managing allegations of abuse against staff policy, the disciplinary policy and procedure

Please see the 'raising concerns flowchart' in appendix 1 and the 'line manager's guide to responding to concerns raised by colleagues' in appendix 2 to support with identifying whether this policy is the most appropriate policy to be following.

### 3. Definitions

**Whistleblowing** is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work.

**Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

**In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

**Blacklisting** refers to an individual who is being excluded from opportunities or refused work, promotion or equality of access to opportunities because they are viewed as a whistleblower.

**Grievances** involve someone raising a concern because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

### 4. Roles and responsibilities

The Trust board will be responsible for:

- Establishing, agreeing and reviewing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the academy and trust communities have access to this policy.
- Investigating, in liaison with the CEO, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the trust board include a record of the trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one trustee and one member of staff to act as points of contact for staff members when reporting concerns.

The CEO will be responsible for:

- Ensuring all members of the trust board, the executive leadership group have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Principal will be responsible for:

- Ensuring all members of staff and local governors have read and understood this policy.

The Chair of Trustees will be responsible for receiving any concerns raised about the CEO.

The Chair of Members will be responsible for receiving any concerns raised about the Chair of Trustees.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in section 3 of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## **5. Scope**

This policy will:

- Provide clarity to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with wider trust standards and policies.
- Ensure that all members of the trust community understand how to whistleblow.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

## **6. Harassment and victimisation of staff**

This policy will not be confused with the procedure on dealing with harassment at work or the Trust Grievance and Disciplinary Procedures.

Under this policy, any of the following can raise a concern:

- Employees of the trust
- Volunteer workers working within an academy
- A trainee, such as a student teacher

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

## 7. Non-employees

The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned.

Irrespective of the above, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Policy.

Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## 8. Good practice principles

The Trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The trust will implement a **culture of openness** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the Trust.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

## 9. Procedure

By providing a clear procedure for mediating and resolving cases, as outlined in [section 9](#), the trust will ensure that all cases are efficiently handled. This procedure outlines how to raise and report concerns.

When whistleblowing, individuals will express them in writing to the CEO.

If an individual is raising a concern about the CEO, they should express their concerns in writing to the Chair of Trustees. Where this is the case, the Chair of Trustees will take on the CEO's duties outlined in [section 9](#).

If an individual is raising a concern about the Chair of Trustees, they should express their concerns in writing to the Chair of Members. Where this is the case, the Chair of Members will take on the CEO's duties outlined in [section 9](#).

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the Trust will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

Some of the following stages will only be possible where the whistleblower identifies themselves:

The CEO will write to the individual within 10 working days of receiving the initial communication to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower (with the whistleblower's consent), and then an assessment of further action will be discussed. During this initial stage, the CEO will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the CEO will request the individual puts their concern in writing, if they have not already done so. The CEO will write a summary of the concern if the individual is unable to put it in writing.

The CEO will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the trust from giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Trust board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, where possible, the whistleblower will be informed about the final outcome; however, this is not always possible due to the confidentiality of procedures which may need to run in parallel, ie grievance policy and procedure.



A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern in accordance either with the low-level concerns policy or the grievance policy.

## **10. What Three Spires Trust asks of you**

The purpose of this policy is to enable individuals blow the whistle in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Restrict their conversations about the matter to where they are strictly necessary eg during the investigation
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **11. Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Complaints Policy.

## **12. Unfair treatment**

Employees can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the date of their employment ending, where reasonably practicable.

### 13. Contacts

Role and Name	Email address	Postal address
	Please mark any written communication as <b>STRICTLY PRIVATE AND CONFIDENTIAL</b>	
CEO Emily Verow	<a href="mailto:CEO@threespirestrust.org">CEO@threespirestrust.org</a>	Three Spires Trust New Beacon Building Stafford Education and Enterprise Park Weston Road Stafford ST18 0BF
Chair of Trustees Ven Dr David Lee	<a href="mailto:Chair@threespirestrust.org">Chair@threespirestrust.org</a>	Three Spires Trust New Beacon Building Stafford Education and Enterprise Park Weston Road Stafford ST18 0BF
Chair of Members John Naylor	<a href="mailto:jnaylor@threespirestrust.org">jnaylor@threespirestrust.org</a>	Lichfield Diocesan Board of Education St Mary's House The Close Lichfield WS13 7LD

## Appendix 1:



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### An employee's guide to raising concerns

I am concerned about a child or young person's welfare or safety

Speak to your DSL or their deputy. Record your concern, in detail, in MyConcern.

I am concerned about a member of staff's welfare or their safety

Speak to your line manager or their line manager. Request that your concerns are recorded.

I feel as though I am being bullied or harassed in my workplace.

Speak to your line manager or the principal (of the Chair of the Local Governing Body, if about the Principal) and raise a concern under the Staff Harassment and Bullying Policy.

I would like to raise a grievance about my experience as an employee

Speak to your line manager or the principal (of the Chair of the Local Governing Body, if about the Principal) and raise a concern under the Grievance Policy.

I am concerned about practice and need to share this – people are being maltreated and no action is taken.

Raise a concern the whistleblowing policy – which can be downloaded from the academy or the trust website.

**SPEAK OUT !**



## Appendix 2:



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### A line manager's guide to responding to concerns raised by employees

